

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DIAMOND CARPENTER, DARCEE
McCULLER, and NINA THURMAN**

Plaintiff,

v.

**JERK TACO MAN HOLDINGS, LLC
(ILLINOIS LLC)**

And

JULIUS B. THOMAS (INDIVIDUALLY),

Defendants.

Case: 1:22-cv-05424

Jury Trial Demanded

PLAINTIFFS' STATUS REPORT

Pursuant to this Court's Order entered on February 23, 2023 [Dkt. 21], Plaintiffs hereby submit the following:

1. Plaintiff initiated this action on October 4, 2022, against Defendants, Jerk Taco Man Holdings, LLC (Illinois LLC) and Julius B. Thomas, individually (the "Defendants") for violations of the FLSA (Dkt. 1).

2. Both Defendants failed to file a responsive pleading to Plaintiffs' Complaint as required by the Federal Rules of Civil Procedure.

3. Default Judgments were entered by this Court on January 10, 2023 against Defendants.

4. On February 13, 2023, Plaintiff filed a Suggestion of Bankruptcy upon notice of Defendant, Jerk Taco Man Holdings, LLC's (Illinois LLC) voluntary petition filed in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, Case No.: 23-bk-

00901. (the “Bankruptcy Case”).

5. Plaintiff moved the Court to stay the proceedings pending the outcome of the Bankruptcy Case.

6. On February 23, 2023, this Court has reviewed Plaintiffs' status report and stated, “[p]ending the bankruptcy case, this case is stayed until further order of the court. Status hearing is reset for 8/23/2023 at 9:45 a.m. to report on bankruptcy case (to track the case only, no appearance is required). The parties shall file a joint written status report by 8/16/2023.” (Dkt. 21).

7. Pursuant to the Court’s Order (Dkt. 21), Plaintiff is filing this Status Report because Plaintiff has been informed that Defendant’s bankruptcy proceedings, (Case No: 23-bk-00901) has been dismissed (see attached Exhibit A) and as a result, Plaintiff requests this Court to lift the Stay so that Plaintiff can proceed with Case No. 1:22-cv-05424.

WHEREFORE, Plaintiff respectfully requests this Court enter an order lifting the stay due to the Notice of Dismissal of Defendant’s Bankruptcy proceedings or for any such relief the Court deems just and proper.

Dated this 19th day of June, 2023.

/s/ Nathan C. Volheim
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically with the Clerk of the Court and has been provided via U.S. Mail on this 19th day of June, 2023, to the following:

Julius B. Thomas, individually
7723 S. State Street
Chicago, IL 60619
Defendant

/s/ Nathan C. Volheim
NATHAN C. VOLHEIM, ESQ.